

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see from PCT/ISA/210 (page 2)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2005/050034

International filing date (day/month/year)
5/1/2005

Priority date (day/month/year)
26/2/2004

International Patent Classification (IPC) or both national classification and IPC
B60R21/01, B60R21/28

Applicant

ROBERT BOSCH GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/
European Patent Office Berlin

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Petersson, M

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/050034

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2005/050034

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-5,7	YES
	Claims	1,2,6	NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations:

see supplementary page

WRITTEN DECISION OF THE INTERNATIONAL SEARCH AUTHORITY
(APPENDED SHEET)

International file number PCT/EP2005/050034

Concerning Point V:

1. Reference is made to the following documents:

D1: US5957490 A

D2: DE19526334 A1

D3: US5232243 A1

2. Independent Claim 1

The present application does not meet the requirements of Article 33 (1) PCT, because the subject matter of Claim 1 is not new in the sense of Article 33 (2) PCT.

Document D1 discloses:

A passenger protection device for a motor vehicle,

- having an airbag (7),
- having a gas generator (8) for filling the airbag (7),
- having an airbag control device (9) for activating the airbag (7),
- having means (20, 22, 23) for acquiring the deployment speed of the airbag (7), and
- having means (9, 17a, 17b; Figure 3) for regulating the filling quantity of the airbag (7), taking into account its deployment speed (see also column 6, lines 12-37, and column 3, line 58-67; Figure 2; column 4, lines 11-22; Claim 10), including at least one flow-off valve (17a, 17b) that is situated between the gas generator (8) and the airbag (7), and by [sic] controllable actuating means ([that] drive 17a and 17b via signal lines between 9 and 17a,b) for the sealing of the flow-off valve (17a, 17b).

3.1. Independent Claim 2, 5 and 6

Dependent Claims 2, 5, and 6 do not contain any features that, in combination with the features of any claim on which they are dependent, fulfill the requirements of the PCT with respect to novelty or inventive step; see documents D1-D3 and the corresponding text passages indicated in the search report.

3.2. The features of dependent Claims 3 and 7 appear to be alternative valve actuating means or speed measurement methods that are merely normal for someone skilled in the art, and from which someone skilled in the art would, without inventive contribution, make a selection in accordance with the particular circumstances in order to solve the problem posed.

4. Remark for a possible later EP proceeding:

At present it is not recognizable which part of the application could form the basis for a new, patentable claim. Should applicant nonetheless regard a particular subject matter as patentable, an independent claim should be submitted that is directed to this subject matter and is formulated in accordance with Rule 29 (1) EPC.

In the letter of response, the difference between the subject matter of the new claim and the prior art, as well as the significance of this difference, should be stated.